



DEPARTMENT OF NATURAL RESOURCES

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September 18, 2002

Mr. Ray Plienness, Deputy Manager
United States Department of Energy
Grand Junction Office
2597 B 3/4 Road
Grand Junction, CO 81503

RE: *Long Term Stewardship Plan for the Weldon Spring Site, St. Charles County, Missouri, Comments on Draft Plan issued August 9, 2002*
DOE Document Number GJO-2002-342-TAC GJO-LWEL 1.1-1

Dear Mr. Plienness:

Thank you for the opportunity to comment on the Department of Energy's (DOE) August 9, 2002, Long-Term Stewardship Plan for the Weldon Spring Site, in St. Charles County, Missouri. This is among the most significant issues remaining to be addressed at the Weldon Spring site, along with contaminated groundwater, and it is critical that we all work toward a final document that will provide for the level of care that corresponds to the long life of the radioactive waste and residue that remain. My staff has conducted a review of this document and, while we find this to be in a more readable format than previous documents, significant deficiencies remain. Our more detailed technical comments are enclosed.

At the outset, I want to thank you for conducting the recent workshops on Long-Term Stewardship. We applaud DOE's candid acknowledgement, made at the August 28, 2002, workshop, of significant shortcomings in the draft Long-Term Stewardship Plan. The information presented, and the chance for Missouri citizens to provide input, is particularly important since the disposal cell and residual contamination will remain in our community, essentially forever. Additionally, it is of vital importance that the plan is clear about who is responsible, what specifically will be done, how and when those actions will be taken, and who will have enforcement authority, if needed. A secure method of funding for those activities must also be determined.

Progress should be made just as it has in the past at the Weldon Spring site – through honest work in the field, supported by rigorous technical and scientific analysis and conscious collaboration between involved parties. We do not intend to allow the federal government to walk away from its responsibility for perpetual stewardship of the site. This includes a variety of tasks necessary to protect human health and the environment, as well as the economic vitality

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and peace of mind of the community. We are gratified at the recent progress, but are acutely aware that much remains to be done. We are at a crucial crossroads in finalizing the cleanup and establishing an effective and sustainable long-term stewardship plan for the site, and look forward to working with you toward that goal.

In summary, we remain deeply concerned about the Weldon Spring Site, despite recently renewed progress. In national documents, DOE has characterized cleanup at the Weldon Spring site as complete, when significant issues regarding residual groundwater contamination remain unresolved. In fact, DOE has not addressed the contaminated groundwater on the site, and has not yet provided a workable long-term stewardship plan. Therefore, we cannot agree with your characterization of the cleanup as “complete.” As we approach the end of the federal fiscal year on September 30th, it is clear that much work needs to be done before the site cleanup can be considered “complete,” as DOE has asserted for FY 2002, in documents presented to the U.S. Congress. We urge you to refrain from referring to the cleanup as “complete” and to correct those documents where DOE has declared final success prematurely.

The draft LTS Plan is an improvement over previous versions but remains inadequate in several areas. We agree that many of the department’s previous comments have been addressed in this revision and the document has been redrafted in a more readable and usable format. However, significant areas need to be enhanced or strengthened to develop a robust plan for now and into the future and many issues and previous comments remain un-addressed. I am particularly thankful for Dave Geiser’s commitment at the September 28, 2002, Stewardship Workshop, that the Department of Energy will take the time and effort to do “whatever it takes” to develop an all-encompassing Stewardship Plan for future care of this site. We fully support the commitment to completing an acceptable plan and the focused workshops proposed to help reach this goal.

Specific deficiencies noted in the current proposed plan include:

- The plan should include specific provisions to keep the public informed of future activities and a way to encourage public participation in significant future decisions.
- The plan identifies Long Term Monitoring and Maintenance and Institutional Controls as significant components of future protection for this site. Additional details have been provided compared to the last draft; however, more detail is needed in each of these areas. I anticipate a final plan, with supporting attachments, which can be used by regulators and other competent environmental professionals to evaluate and manage the site. This will include specific instructions on who, what, when, and how the multiple tasks involved will be accomplished. Baseline conditions, anticipated changes, and design tolerances must be clearly defined.
- The plan has components of a “primary” document, under the CERCLA process, but is not being developed from that strict approach. We are currently comfortable with this approach and agree that a better final product will ensue as the final plan agreed to will ultimately be subject to the CERCLA review process.

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- An enforceable agreement, which includes all parties, must be secured. We renew our request for the current Federal Facilities Agreement to be revised to include the state of Missouri as a legal party to the agreement.
- Complete cost estimates, including the cost of appropriate oversight, need to be documented and a process for developing a secure source of future funding (comparable to the Trust Fund in Tennessee), that is not limited by the uncertainties of annual federal appropriations, must be identified.

Enclosed with this letter are specific comments drafted by DNR staff indicating reactions to our initial reading of the plan. Additional comments will follow as we continue to evaluate this latest proposal. Evaluation of overall site and area issues and the direction taken to address residual groundwater contamination at the site will also be made.

Again, I want to thank you for the renewed progress in developing this important plan and process and look forward to DOE follow-through on the many commitments made at the August 28, 2002, Stewardship Workshop. I do want to assure you that we share your commitment to do "whatever it takes", for as long as it takes, to reach that goal.

If you have any questions or comments on the enclosed information please contact Ms. Mimi Garstang of my staff at (573) 368-2101, or contact us in writing at P.O. Box 176, Jefferson City, MO 65102.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Original signed by Stephen Mahfood

Stephen Mahfood
Director

Enclosure

c: Ms. Pamela Thompson, U. S. Department of Energy
Mr. Dave Geiser, Office of Long-Term Stewardship, U.S. Department of Energy
Mr. Mike Duvall, St. Charles County Division of Environmental Services
Mr. Dan Wall, U. S. Environmental Protection Agency, Region VII
Weldon Spring Citizens Commission
Ms. Mimi Garstang, Geological Survey and Resource Assessment Division